

APPROVED: Meeting No. 11-82

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 8-82

February 22, 1982

The Mayor and Council of Rockville, Maryland, convened at the Rockville Civic Center Auditorium on Monday, February 22, 1982, at 7:00 p.m. for the purpose of a briefing on backstage improvements at the theatre. These items will be addressed during budget deliberations on the Capital Improvement Projects.

The Mayor and Council reconvened in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 8:00 p.m. on February 22, 1982.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham
(arrived at 8:35 p.m.)

Councilman Joan Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Attorney Roger Titus; Director of Public Works Robert Goodin; City Manager Larry Blick; Director of Community Development and Housing Assistance Douglas Horne; Director of Community Resources Bert Drayton; Director of Recreation and Parks Ronald Olson; Director of Finance John Lawton;

City Clerk Helen M. Heneghan; Assistant City Attorney Sondra Block; Information Officer Sue M. Patterson; Budget Officer Anna Lee Berman.

Re: City Manager's Report

Mr. Blick reported the following:

1. The lighting on the Frederick Avenue overpass is completed.
2. The water main on Veirs Mill Road has been completed so the road construction can continue.
3. Newspaper collections are up 5 percent in the City in the first 2 months of this year.

Councilman Tyner commented that the Human Rights Commission/Education Forum was well attended and had excellent speakers.

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Re: Award of Contract: Bid No. 21-82,
Roof Improvements to Rockville
Municipal Swim Center

Funds were allocated in the FY 1982 C.I.P. for roof repairs to the Municipal Swim Center Indoor Pool building - lower roof only (the upper roof over the natatorium is being re-roofed as a part of the solar heating system job) and the Civic Center Theater/Social Hall building. Both buildings currently have built-up or slag roofs which are leaking and otherwise badly deteriorated. Both roofs are leaking in several locations, causing damage to the interiors of both buildings, as well as affecting the roof insulation. The bid documents specified a roof-over for both buildings, using either the "TROCAL" or "BRAAS", membrane systems. Both of these roofing systems utilize the "PVC", plastic membrane, and include a ten-year manufacturer's warranty. Products of both manufacturers have proven performance records over the past two decades.

Bids were opened in the City Hall Conference Room at 3:30 P.M., on February 2, 1982. The bids were as follows:

<u>Contractor</u>	<u>Swim Center Work</u>	<u>Civic Center Work</u>	<u>Total</u>
Fick Bros. Roofing Company, Inc. Baltimore, Maryland (Trocal)	\$12,000	\$24,900	\$36,900
CMS Roofing and Sheet Metal Co., Inc. Rockville, Maryland (Trocal)	\$13,416	\$26,440	\$39,856
Orndorff & Spaid, Inc. Beltsville, Maryland (Trocal)	\$15,107	\$28,226	\$43,333
Wimpigler Roofing, Inc. Frederick, Maryland (Trocal)	\$17,670	\$28,290	\$45,960
The James Meyers Co., Inc. Beltsville, Maryland (Trocal)	\$17,421	\$37,880	\$55,301
Anning-Johnson Company, Inc. Annandale, Virginia (Braas)	\$19,400	\$37,400	\$56,800
Membrane Roofing Systems, Inc. Hagerstown, Maryland (Trocal)	\$20,900	\$38,000	\$58,900
National Restoration, Inc. Alexandria, Virginia (Braas)	\$37,200	\$56,214	\$93,414
Darwin Construction Company Bethesda, Maryland (Trocal)	\$80,000	\$110,000	\$190,000

The Fick Brothers Roofing Company, 1212 E. 25th Street, Baltimore, Maryland is the low bidder for both parts of the project. Fick Brothers has been in the roofing business since 1949. They are certified by the product manufacturer, Dynamit Nobel of America, Inc., as a Trocal Installer.

Three references were checked who have contracted with Fick Brothers for roofing work. In addition the staff checked with the Baltimore Better Business Bureau and the Maryland Home Improvement Commission.

A total of \$60,600 is budgeted for these two projects in the Recreation and Leisure Time Program; \$25,600 in the Swim Center category and \$35,000 in the Civic Center category.

The staff recommends that Bid No. 21-82 be awarded to the Fick Brothers Roofing Company, Inc., Baltimore, Maryland, in the amount of \$36,900.

On motion of Councilman Freeland, duly seconded and unanimously passed, Bid No. 21-82, for the roof improvements to the Swim Center and Civic Center was awarded to Fick Brothers in the amount of \$36,900.

Re: Award of Contract: Bid No.
35-82, Stream Valley Topo-
graphic Mapping

The topographic mapping of each of the City's three stream valleys -- Watts Branch, Cabin John, and Rock Creek -- amounting to a total of 1300 acres, is covered by this contract. The project was authorized in FY 82 as CIP project E-29.

The map will be used for numerous purposes, including design of utility lines, storm water management, recreation and parks facilities and flood plain analysis.

Timing of the flight phase of quality aerial mapping is important, due to foliage and sun angle. For this reason, the contract specifies the aerial work is to be accomplished between March 15 and April 15 with the first maps to be delivered within one month thereafter and the total package by August 15, 1982. Delivery priorities have been included which require the contractor to furnish the maps necessary to undertake our pending design projects as a first order of work.

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Ten bids were received as follows:

Kucera & Associates, Mentor, Ohio	\$21,995.00
Development Consultants, Rockville, Maryland	23,100.00
Greenhorne & O'Mara, Rockville, Maryland	27,500.00
Chicago Aerial Survey, Chevy Chase, Maryland	29,383.00
Air Survey Corporation, Reston, Virginia	34,450.00
Pace Aerial Services, York, Pennsylvania	35,450.00
L. R. Kimball & Associates, Ebensburg, Pennsylvania	47,580.00
Aerial Data Reduction Assoc., Pennsauken, New Jersey	53,061.00
Potomac Aerial Services, Rockville, Maryland	57,585.00
Charles T. Main, Charlotte, North Carolina	80,000.00
Engineer's Estimate	\$24,000.00
Total Appropriation	\$30,000.00

The low bidder, Kucera & Associates, Inc., has a record of satisfactory performance on numerous similar projects. It is therefore recommended that the contract be awarded to the low bidder, Kucera & Associates, Inc., in the amount of their bid of \$21,995.00.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Bid No. 35-82, topography, was awarded to Kucera & Associates, in the amount of \$21,995.00.

Re: Award of Contract: Bid No.
36-82, Carnation Drive Storm
Water Management

This contract involves two CIP projects: E-3, the installation of a storm water management facility in the stream area lying north of Carnation Drive in Woodley Gardens Park; and part of E-405, a small section of the upper Watts Branch Relief Sanitary Sewer where it crosses the SWM project E-3. E-3 was authorized in FY 80 with an appropriation of \$88,000 (including engineering). Appropriation for the small section of sanitary sewer is \$15,000.

A considerable effort has been expended in assuring the compatibility with the park setting and acceptability by the adjacent neighborhood (\$3,000 in new plantings is included). The facility will feature a gabion control structure from natural-color stones which will aid in blending this structure with the natural surroundings. Excavation has been kept to an absolute minimum and therefore more of the existing trees and undergrowth will remain undisturbed. Nearly 222,000 square feet of storage will be obtained by allowing the water

to infiltrate among the existing trees for a short period of time and then recede before any damage occurs.

Eleven bids were received as follows:

Kenster Tri-State & Co., Crofton, Maryland	\$ 83,045.00
W.F. Wilson & Sons, Inc., Ellicott City, Maryland	102,137.00
Deneau Construction, Inc., Gaithersburg, Maryland	103,234.00
Damascus Contractors, Inc., Damascus, Maryland	103,375.00
Corman Construction, Inc., Baltimore, Maryland	109,132.00
Pleasant Excavating Co., Inc., Clarksburg, Maryland	113,641.00
Concrete General, Inc., Gaithersburg, Maryland	119,460.00
Allied Contractors, Inc., Baltimore, Maryland	121,405.00
Rapp Contracting, Inc., Beltsville, Maryland	149,790.00
DiMeglio Construction Co., Inc., Adelphi, Maryland	158,350.00
Francis O. Day Company, Inc., Rockville, Maryland	194,850.00
Engineer's Estimate	\$127,000.00
Appropriation	\$103,000.00

This company has not worked for the City before, but it is a reputable firm, highly rated by the Washington Suburban Sanitary Commission, for whom several projects have been satisfactorily completed. The company has considerable experience in piping and excavation projects, though no previous experience in gabion work. The two principals of the firm, however, have had some gabion experience and foresee no problems providing the City with a satisfactory job.

Staff recommends an award of contract to the low bidder, Kenster Tri-State & Company, in the amount of \$83,045.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, Bid No. 36-32, Carnation Drive Storm Water Management Pond, was awarded to Kenster Tri-State & Co., in the amount of \$83,045.00.

Re: Presentation of Awards for
Abraham Lincoln's Birthday
Essay and Poster Contest

George Lipscomb introduced Barbara Nickerson, Chairman of the Humanities Commission, who introduced the members of the commission present this evening - Catherine Landenburger, Jeanine Jeffs, George Curtis Pospisil, and Carmen Deeny. Awards were presented to the winners in each category as follows:

POSTERS

Kindergarten - 3rd Grade , Bill Casey, Lone Oak Elementary School
4th - 6th Grade, Brenda Wildrick, Lakewood Elementary School

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POEMS

Kindergarten - 3rd Grade, Christina Gaedick, Lone Oak Elementary School
 4th - 6th Grade, Brenda Wildrick, Lakewood Elementary School

ESSAYS

7th - 9th Grade, Sandy Laumas, Julius West Middle School
 10th - 12th Grade, Bruce Allentuck, T. S. Wootton High School

PHOTOGRAPHS

No photographs were sent in to be judged

Each of the winners received a plaque and a savings bond. Mayor Hanna congratulated all present and they were photographed with members of the Council.

Re: Authorization to file Text
 Amendment Application, T-51-82,
 and referral to Planning
 Commission for further study

The subject application has been prepared and filed on behalf of the Mayor and Council for the purpose of amending Sections 5A-203.(a), (e), and 5A-204.(e) and to add new Sections 5A-203(e) and 5A-204(f). Specifically, the Text Amendment proposes to amend the parking, loading, and access requirements within the TCO-2, TCM-1, and TCM-2 zones, to increase the amount of reduction of parking spaces that can be granted by the Planning Commission from 30 to 40% of the total number of spaces required.

On motion of Councilman Tyner, duly seconded and passed by a unanimous vote of all present, authorization was given for the filing of Text Amendment Application, T-51-82, and it was referred to the Planning Commission for further study.

Re: Adoption of Resolution: To
 Authorize City Manager or his
 Designee to Invest City Funds

Resolution No. 6-82

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, Resolution No. 6-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, authorizing the City Manager or his designee to invest City funds was adopted by the Mayor and Council.

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Re: Adoption of Resolution: To
Approve Emergency Assistance
Program and Authorization to
sign agreement with Ministerial
Alliance

Resolution No. 7-82

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, Resolution No. 7-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council approving an emergency assistance program and authorizing the signing of the agreement with the Ministerial Alliance was adopted by the Mayor and Council.

Re: Introduction of Ordinance: To
Adopt the Croydon Park Neighbor-
hood Plan as an amendment to
the adopted Master Plan for
Rockville

On motion of Councilman Abrams, there was introduced upon the table an Ordinance adopting the Croydon Park Neighborhood Plan as an amendment to the Adopted Master Plan, said ordinance to lay over at least one week before final action is taken.

(At this time, Councilwoman Fordham rejoined the meeting.)

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Michael Gordon, 207 Upton Street. Mr. Gordon brought to the Council's attention an ad for the public hearing on a text amendment to be held on March 8 that appeared in a local newspaper, yet no mention was made of this hearing in the City Newsletter, and he thought this should be brought to the Council's attention. He distributed a letter to the Council that he had written to a local newspaper in answer to a comment made by a local elected official who said that Rockville would not mind extending the dump use. He felt the City, too, should object to this letter.

2. Steve Fisher, 1014 Neal Drive. Mr. Fisher told the Council that last Thursday, the meeting of the Rockville Civic Federation discussed redistricting and the Governor's plan, and it is their hope that the Mayor and Council will reconsider the plan and oppose it. The new district 17 as aligned does not meet the perimeter or compactness requirements. It was decided in secrecy and should be opposed.

Mr. Fisher gave the Council a report written by Ms. Jackie Williams on Planning Commission meetings, noting the attendance record of the commissioners and asking the Mayor and Council's attention to it. The commission's minutes and the delay in getting them to the public was discussed most particularly. Mayor Hanna told Mr. Fisher that each commission polices its help and he is sure that the minutes become a budgetary matter. He did ask the City Manager to see that immediate steps are taken to see that the minutes are published in a timely fashion. At the same time, he asked the City Manager to send a note to the Chairman of the Planning Commission to determine why the absences are excessive.

Mr. Fisher also asked the Council if the Civic Association can have copies of maps free or at a reduced cost because of the amount of time and interest that is spent in examining them. Mayor Hanna said it is difficult to give maps away because of the cost of reproduction. Councilwoman Fordham suggested that a system might be set up where they could be checked out overnight and returned to the City.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the citizen's forum portion of the meeting.

Re: Approval of storm water management waiver for City Hall on-site and acceptance of contribution toward off-site construction

This 4.75 acre City Hall site is located in the Cabin John watershed near the head of a tributary from one of the oldest parts of Rockville and is part of a 36+ acre drainage area.

During heavy rains, the adjacent intersection of South Washington Street and Maryland Avenue now floods. Increasing impervious surfaces for City Hall will exacerbate the flooding problem.

Several on-site systems (ranging from \$100,000 to \$150,000) were considered but it was the consensus of the SWM committee that a waiver and contribution toward the off-site project Rockville Heights, (E-32) in the Capital Improvement Program, would provide the best overall solution. In addition to an off-site contribution, the committee urged (1) that acquisition and scheduling for Rockville Heights move expeditiously and (2) that relief be provided for the existing flooding at the intersection of South Washington and Maryland Avenue estimated to cost \$7,250.

Since the off-site SWM facilities are proposed nearby, staff recommends (1) that the on-site SWM requirement be waived and that the City provide a contribution of \$42,750 (4.75 ac. @ \$9,000) toward the City's off-site SWM program (such action to have concurrence by the Montgomery Soil Conservation District), (2) that acquisition and scheduling for Rockville Heights SWM structure move expeditiously, and (3) that up to \$7,250 be allocated to relieve existing flooding at the intersection of South Washington Street and Maryland Avenue.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Council agreed to the staff's recommendations of waiving on-site requirements providing the contribution of \$42,750, that the Rockville Heights structure move expeditiously and that up to \$7,250 be allocated to relieve existing flooding at the intersection of South Washington Street and Maryland Avenue.

Re: Decisions and Instructions to
staff re Street Closing Appli-
cation, SCA-38-82

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant Street Closing Application, SCA-38-81, Mayor and Council of Rockville, applicant, of Lots 9 and 10 of Block B in the Red Gate Industrial Park.

Re: Adoption of Ordinance: To repeal
in its entirety Chapter 15 of the
Laws of Rockville, entitled "Conflict
of Interest-Financial Disclosure",
and to enact a new Chapter 15,
entitled Ethics Provisions

Ordinance No. 8-82

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Ordinance No. 8-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, enacting a new Chapter 15 entitled "Ethics Provisions", was adopted by the Mayor and Council.

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Re: Review of testimony for public
hearing on Montgomery County
Solid Waste Energy Recovery System

The Montgomery County Executive has proposed to amend the Ten-Year Solid Waste Management Plan to allow for construction of a solid waste energy recovery system at the Shady Grove Road and Maryland Route 355 Transfer Station site.

A public hearing on this resolution is scheduled for Wednesday, February 24, 1982, at 7:30, in the Council Hearing Room.

Because this facility is proposed to be located within one mile of the City of Rockville, and inasmuch as the proposed plan will affect both the amount of fees and the method in which fees for solid waste disposal are collected from the City and its citizens, it is recommended that testimony be given by the City at this hearing.

Councilwoman Fordham noted that the testimony does not address architecture and although she is cognizant of the cost of the facility and does not want to appreciably increase that cost, she does believe that the architect should be conscious of the esthetics. The Council agreed that should be added to the testimony and by consensus it was approved.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. New York State Teachers' Retirement System, re consultant services
2. Maryland National Capital Park and Planning, re school closures
County Executive, re school closures
3. R. J. Babbitt, re unsightly scenes around the City.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Contract with Montgomery County for Election Services
2. Memo re State Energy Code
3. Copy of letter re Mt. Vernon Place traffic problems
4. Memo re trucks parked on Lewis Avenue
5. Response to citizen complaint
6. ACSC activities
7. Copy of response to Peerless Rockville re small Dawson Farmhouse
8. Letter to TRACOR re Hurley signal

9. Bond PROSPECTUS.
10. Memo re undergrounding of transformers
11. Memos (3) from City Attorney

Councilman Tyner congratulated Mr. Glasgow on his election as President of the Maryland Municipal Attorneys Association.

12. Memo from Planning Department re population changes

Re: New Business

1. Councilman Freeland asked the Council if they wish to reconsider the redistricting. He then moved, duly seconded, for reconsideration of the previous vote to not oppose the Governor's plan. The Council discussed the redistricting plan at length. Councilman Freeland noted that the other municipalities desire Rockville to join with Gaithersburg's position. Mayor Hanna mentioned the 3 to 2 vote to support the Montgomery County Delegation and the District 17 redistricting. He, at that time, voted against it because he felt it was better to influence two senators and six delegates than half that many. He also felt that the redistricting plan looks like gerrymandering and was done to protect all the incumbents. To put Rockville with Gaithersburg, two of the largest municipalities in the State, and for all those reasons, he opposed it, and he is one of the two that did. Since the Mayor of Gaithersburg came and spoke to the Council, the Mayor has examined the Wiser Plan and he has problems with that. In the present configuration Rockville is dominant. In the Wiser Plan, Potomac rules, not Rockville. Never has the City of Rockville shared the same position as Potomac, most particularly on Falls Road Interchange. He said at this time he does not know which way will be the best to come down. Councilman Tyner commented that the Larry Wiser Plan is really no better than the others. Councilwoman Fordham noted that Rockville has more power than Gaithersburg, but she will not risk Rockville to please the Mayor of Gaithersburg. It is her feeling that the Open Space Program would be better served by a delegate who represented the municipalities. Councilman Abrams said he opposes the current redistricting plan. He lives on the edge of the City and the present plan would not come out if all of the facts were put into a computer. The competitive advantage that Rockville has at this time will not stay because of the growth of the upper county. He also brought to the Council's attention, a letter given to them this evening by a delegate who

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lives in the City and he does not consider that good representation when the City has its own delegate. He added that there is one certainty and that is no one likes the present plan. Mayor Hanna suggested that the City change its position to one of no position and authorize the City Attorney to work with Maryland Municipal League and the City of Gaithersburg and when a plan comes that the City can support, it can do it. Councilman Freeland moved, that this position of no position be adopted by the Council, but the situation be monitored closely. This motion was approved unanimously.

2. Assistant City Attorney, Sandra Block, brought to the Council's attention, a hearing on February 24, in Baltimore by the State Board of Education concerning their by-laws. She felt that it was important that the City testify. Councilwoman Fordham agreed to appear and testify.

Re: Executive Session

On motion of Councilman Tyner, duly seconded and unanimously passed, the meeting was closed for executive session to discuss property disposition.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 1:00 a.m., on Tuesday, February 23, 1982, to convene again in general session on Monday, March 8, 1982, at 8:00 p.m. or at the call of the Mayor.